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November 21, 2022

**BY ECF**

The Honorable Lorna G. Schofield  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

The Honorable Sarah L. Cave  
United States Magistrate Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

*Re: Catherine McKoy, et al. v. Trump Corp., et al., No. 1:18-cv-9936  
(LGS - SLC) – Request for Conference*

Dear Judge Schofield and Judge Cave:

We write on behalf of Plaintiffs in the above-referenced action, pursuant to Rule I.D.3 of Judge Schofield’s Individual Rules and Procedures for Civil Cases (“Individual Rules”), to respectfully request provisional approval to file under seal an unredacted version of a letter-motion to the Court (“Letter”) concerning a request to set a trial date and align briefing for summary judgment and class certification motions.<sup>1</sup>

In the Letter, Plaintiffs refer to information found in and quote from documents and transcripts that have been designated as “Confidential” by Defendants under Paragraph 3 of the operative Protective Order entered by Judge Schofield (ECF 112).

In accordance with Paragraph 16 of the Protective Order, which incorporates by reference the Individual Rules, Plaintiffs have provisionally filed the unredacted Letter under seal and have provisionally redacted references to the information designated as Confidential in the Letter filed on the public docket. Pursuant to the Protective Order, however, the entity or entities “with an interest in confidential treatment bears the burden of persuasion.” ECF 112 at 5.

In this case, Defendants, as the parties that made the relevant confidentiality designations, have the “interest in confidential treatment.” *Id.* Accordingly, on November 17, 2022, counsel

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<sup>1</sup> In accordance with the Individual Rules, an unredacted copy of the Letter, with redactions highlighted, will be filed under seal contemporaneously with this letter motion. *See* Standing Order, 19-mc-00583 (Dec. 19, 2019); Electronic Case Filing Rules & Instructions, Rule 6.8. Plaintiffs will timely serve the unredacted version on Defendants.

for Plaintiffs advised counsel for Defendants concerning our intent to file a letter-motion under seal with the material designated confidential redacted from the publicly filed version.

Finally, for the avoidance of doubt, Plaintiffs take no position at this time on whether the redacted information was properly designated as Confidential or whether it ought to remain sealed from the public. Plaintiffs further respectfully reserve the right to challenge the relevant confidentiality designations in the future pursuant to Paragraph 15 of the Protective Order.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Roberta", with a stylized flourish extending to the right.

Roberta A. Kaplan

cc: Counsel of Record (via ECF)